

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC. and  
COXCOM, LLC.

Defendants.

Case No. 1:18-cv-00950-LO-JFA

**COX’S PROPOSED *VOIR DIRE* QUESTIONS**

Defendants Cox Communications, Inc. and CoxCom, LLC (“Cox”) submit these proposed *voir dire* questions pursuant to Local Rule 51. Cox reserves the right to supplement these proposed *voir dire* questions with additional questions at any time prior to the beginning of trial and for all other purposes contemplated by the Local Rules.

**Cox's Proposed Voir Dire**

**A. Standard Questions:**

1. Have any of you acquired any information about this case either from news media or other sources?
2. Do any of you have any interest in the trial or the outcome of this case based on the little bit that I've told you so far?
3. Does anyone here have any feelings of sympathy toward or bias towards either party so that you would be unable to be fair to both sides in the case?
4. Do any of you have a problem seeing or hearing that may prevent you from understanding the testimony or observing the evidence?
5. Is there any member of the panel who has any special disability or problem that would make serving as a member of the jury difficult or impossible?
6. Do any of you have any difficulty understanding the English language?
7. Has any member served as a juror in a criminal or a civil case or as a member of a grand jury here in federal court or in state court? Were you ever a jury foreperson?
8. Has any member of the panel ever served as an expert or a fact witness for any party in a lawsuit?
9. Do you, any member of your family, or close friend have any legal training or background?
10. Have you or anyone in your immediate family ever participated in any lawsuit either as a party, a witness, or in any other capacity? If so, please explain.
11. What is the highest level of education you have attained?
12. If you hold any degrees from an institution of higher education, in what area of study is your degree?
13. Are you involved in any hobbies, clubs, or organizations? Do you hold any position of leadership (board member, secretary, etc.) for any of these organizations?
14. I am going to read you a list of names representing the parties in this case:
  - Sony Music Entertainment, Arista Music, Arista Records LLC, LaFace Records LLC, Provident Label Group, LLC, Sony Music Entertainment US Latin, Volcano Entertainment III, LLC, Zomba Recordings LLC, Sony/ATV Music Publishing

LLC, EMI Al Gallico Music Corp., EMI Algee Music Corp., EMI April Music Inc., EMI Blackwood Music Inc., Colgems-EMI Music Inc., EMI Consortium Music Publishing Inc. d/b/a EMI Full Keel Music, EMI Consortium Songs, Inc., individually and d/b/a EMI Longitude Music, EMI Feist Catalog Inc., EMI Miller Catalog Inc., EMI Mills Music, Inc., EMI Unart Catalog Inc., EMI U Catalog Inc., Jobete Music Co. Inc., Stone Agate Music, Screen Gems-EMI Music Inc., Stone Diamond Music Corp., Atlantic Recording Corporation, Bad Boy Records LLC, Elektra Entertainment Group Inc., Fueled By Ramen LLC, Nonesuch Records Inc., Roadrunner Records, Inc., Warner Bros. Records Inc., Warner/Chappell Music, Inc., Warner-Tamerlane Publishing Corp., WB Music Corp., W.B.M. Music Corp., Unichappell Music Inc., Rightsong Music Inc., Cotillion Music, Inc., Intersong U.S.A., Inc., UMG Recordings, Inc., Capitol Records, LLC, Universal Music Corp., Universal Music – MGB NA LLC, Universal Music Publishing Inc., Universal Music Publishing AB, Universal Music Publishing Limited, Universal Music Publishing MGB Limited, Universal Music – Z Tunes LLC, Universal/Island Music Limited, Universal/MCA Music Publishing Pty. Limited, Universal – Polygram International Tunes, Inc., Universal – Songs of Polygram International, Inc., Universal Polygram International Publishing, Inc., Music Corporation of America, Inc. d/b/a Universal Music Corp., Polygram Publishing, Inc., Rondor Music International, Inc., Songs of Universal, Inc., Cox Communications, Inc., CoxCom, LLC.

For those who recognize any of the party names please answer the following questions:

- Are you personally acquainted with any current or former officer, director, or employee of any of those companies?
- Do you or any family member have any financial relationship, past or present, with any of these companies?
- Do you, any family member, or anyone close to you have any strong feelings, positive or negative, toward any of these companies?

15. I am now going to read you a list of attorneys and law firms involved in this litigation: Oppenheim + Zebrak, LLP; Scott Zebrak, Matthew Oppenheim, Jeffrey Gould, Kerry Mustico, Andrew Guerra, Lucy Noyola; Winston & Strawn LLP; Michael Elkin, Thomas Patrick Lane, Jennifer Golinveaux, Thomas Buchanan, Mike Brody, Diana Hughes Leiden, Thomas Kearney, Sean Anderson, Cesie Alvarez.

- Are you related to, or personally acquainted with, any of those attorneys, or have you ever been represented by any of those attorneys or other associates or members of the listed law firms?
- Do you know anyone employed by or through these attorneys and law firms?

16. I am now going to read you a list of the individuals who might appear as witnesses in this case: Brent Beck, Christian Tregillis, Christopher Bakewell, Kevin Almeroth, Linda Trickey, Lynne Weber, Matt Carothers, Nick Feamster, Sandy Mencher, Christopher Monson, Sam Bahun, Sidd Negretti, Slawomir Paszowski, Steven Marks, Vance Ikezoye, Victoria Sheckler, Barbara Fredericksen-Cross, Brian Stifel, Clint Summers, George McCabe, Jason Zabek, Joseph Sikes, Paul Jarchow, Randy Cadenhead, Terrence McGarty, William Lehr, Alasdair McMullan, Anish Patel, Christopher Bell, David Benjamin, David Kokakis, Dong Jang, Jason Gallien, Jeremy Blietz, Jon Glass, Matt Flott, Michael Abitbol, Neil Carfora, Paul Kahn, Stephen Poltorak, Tom Foley, Wade Leak, Jill Lesser, Jorge Fuenzalida, Samuel Rubin, Seth Nielson, William Basquin.

- Are you related to, or personally acquainted with, any of those individuals?

17. If you are married or live with a partner, what is your spouse or partner's current employment?

18. How many people live with you in your home?

19. Do you have any children?

- If so, what are their ages?

20. This trial is scheduled to last approximately 2 weeks. Is there any reason why you cannot serve as a juror for this period of time?

**B. Case Specific Questions:**

21. Do any of you, a close friend, or family member have education, training, or do work in Internet, satellite, or communications services, including wireless?

22. Do any of you, a close friend, or family member have education, training, or do work in software development or programming, electrical or computer engineering, or information technology?

23. Do any of you, a close friend, or family member have education, training, or do work involving intellectual property such as patents, trademarks, or copyright?

24. Do any of you, a close friend, or family member have education, training, or do work in music publishing, production, or performance?

25. Do any of you subscribe to a home Internet service? Does anybody not subscribe to a home Internet service?

26. Do any of you receive your home Internet from a cable company?

27. About how many hours a day would you say you spend on the Internet?

28. What do you do online? Please be specific – for example, shopping, posting to Facebook or other social media sites, doing research?
29. Do you have any particularly positive or negative feelings about Internet service providers or cable companies?
30. Have you ever been suspended or terminated as a subscriber by an Internet service provider? If so, what was the reason?
31. Have you ever received a notice of alleged copyright infringement from your Internet Service Provider? If so, did you email, speak, or otherwise communicate with your ISP about the notice? How did you resolve the matter?
32. Do you or anyone close to you have experience with cable or Internet service provider companies beyond being a subscriber? If yes, please explain.
33. Do any of you have strong opinions, either positive or negative, about music publishers, record companies, copyright protection for music, or downloading music?
34. Do you or anyone close to you have experience with copyrights or musical artists, either personally or for a company you have worked for? If so, please explain.
35. Do you or anyone close to you have experience with the music industry or do you play music professionally? If yes, please explain.
36. Do you have any experience with music licensing or royalty agreements? If yes, please explain.
37. Do you, a relative, or a friend make all or any portion of your livelihood from writing, performing, selling, distributing, or managing the rights to music, including licensing or royalties from music?
38. Have you formed or expressed any opinion as to how you expect this lawsuit will conclude?
39. Could you describe the work you do or did most recently (for those who retired or unemployed)? Please include any use of the Internet that is or was part of your work.
40. Have you ever received any services (residential or business) from Cox? If so, please specify which services you received.
41. Have you downloaded music from the Internet?
42. Have you streamed music from the Internet?

43. Have you heard of or visited the websites Torrentfreak.com, Arstechnica.com, or Techdirt.com?
44. Have you heard of or visited the following websites, ThePirateBay, KickAss Torrents, Torrentz, PublicBT, or Extratorrent?
45. Have you heard of BitTorrent, Gnutella, Ares, or eDonkey?
46. Have you used BitTorrent, Gnutella, Ares, or eDonkey to download music?
47. Have you used internet file sharing, also called the peer-to-peer, P2P networking or computing?
48. Have you, a family member, or a close friend, worked at the FCC, Federal Communications Commission?
49. Have you, a family member, or a close friend, worked at the Library of Congress?
50. Have you, a relative, or close friend ever filed for or received a copyright, trademark, or a patent?
51. Do you, a relative, or a close friend make all or any portion of your livelihood in the Internet, wireless, or satellite industries?
52. If you are selected to sit on the case, are you able to render a verdict solely on the evidence presented at the trial and in the context of the law that I give you in my instructions and agree to disregard any other ideas, notions or beliefs that you may have encountered in your personal life?

Dated: November 25, 2019

Respectfully submitted,

s/ Thomas M. Buchanan

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2019, a copy of the foregoing Defendants' Proposed *Voir Dire* Questions was filed electronically with the Clerk of Court using the ECF system which will send notifications to ECF participants.

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